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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re O.L., a Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

J.L.,

Defendant and Appellant.

B292577

(Los Angeles County
Super. Ct. No. 17CCJP02380B)

APPEAL from an order of the Superior Court of Los Angeles County. Veronica S. McBeth, Judge. (Retired judge of the L.A. Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Daniel G. Rooney, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

J.L. (father) challenges the juvenile court's August 21, 2018 disposition order. He contends the court abused its discretion by ordering him to complete a parenting class in addition to parent-child interactive therapy (PCIT). He also contends the court erred in refusing to allow him to have unmonitored overnight visits with his son until he provided proof of completion of those programs to the court.

We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In December 2017, then two-year-old O.L. came to the attention of the Los Angeles County Department of Children and Family Services (Department) based on a referral by C.R.,¹ the babysitter for O.L. and his older half sister I.L. C.R. expressed concern for the children after discovering unusual bruising and bite marks on O.L. A medical examination revealed a healed fracture in O.L.'s right hand, excessive unexplained marks on the body, and unusual, "patterned" bruising. The doctor referred to the fracture of one of O.L.'s fingers as "very suspicious" for abuse in "the absence of a history of trauma to the hand." C.R. reported that D.M. (mother) routinely left both children at her home for days at a time. C.R. told mother she would be interested in becoming O.L.'s legal guardian, but mother said no because she needed his "welfare income."

The Department detained the children and placed them with the maternal grandparents.

A petition was filed pursuant to Welfare and Institutions Code section 300, subdivisions (a), (b) and (j) alleging that O.L.

¹ In the record, C.R. is also sometimes referred to as the former babysitter/nanny for the children (she apparently was fired by mother around the time the referral was made).

suffered serious physical harm while in the care of mother, mother failed to protect O.L. from such harm, and mother's actions placed I.L. at substantial risk of similar harm.² The Department subsequently filed an amended petition.

The Department social worker contacted father who reported that he had not been in touch with mother for almost two years and had only seen O.L. once, a few days after his birth. Father said he was married and that he and his wife did not have children. Father was employed and also attending school, pursuing a degree in mechanical engineering.

Father told the social worker he was willing to participate in programs if he was determined to be O.L.'s father, but requested that a paternity test be performed since he did not know whether he was the father of the boy. Father denied being the father of I.L., O.L.'s older half sister, whom he had helped raise when he lived with mother for several years.

Father was identified as nonoffending. By April 2018, father's monitored visits with O.L. were reportedly going well. Father also got along well with I.L., who regularly attended her brother's visits with father. The Department recommended that father be allowed unmonitored daytime visits. The Department reported that mother had been diagnosed with cancer, was receiving treatment which included surgery on her spine, and was not able to participate in caring for her children or in any court-ordered programs. Both minors remained with the maternal grandparents.

² Mother is not a party to this appeal. We have not summarized most of the facts pertaining to the court's exercise of jurisdiction over the minor children based on mother's conduct.

After paternity testing confirmed that father was the biological father of O.L., the court found father to be a presumed father. Father was also listed on O.L.'s birth certificate. However, father told the social worker he "was unable to have [O.L.] placed in his home as he had not been in contact with the mother for years and does not have adequate room for the child."

The joint jurisdiction and disposition hearing was held on August 21, 2018. The court sustained the allegations of the amended petition at paragraph b-1 (failure of mother to protect O.L. from abuse by boyfriend, M.R.) and at paragraph j-1 (risk of harm to sibling I.L.). The allegations at paragraph a-1 were dismissed.

The court ordered monitored visitation and reunification services for mother, including drug testing, parenting classes, individual counseling and PCIT. Mother's boyfriend was ordered to stay away from both children.

Father requested reunification services and said he was willing to engage in PCIT. He wanted to "slowly get to know" his son. He did not wish to be a father to I.L. The Department described O.L. as a very "active" child who had never lived with father, and therefore, it was recommended that father be ordered to complete a parenting class or PCIT.

After listening to the arguments of counsel, the court ordered father to complete a developmentally appropriate parenting class and to participate in PCIT. Father's counsel inquired as to why the court was ordering both, stating it was "very difficult for [father] to do extra classes." The court stated that father was just beginning to develop a relationship with his young son and both the class and therapy were appropriate. Father's counsel noted an objection on the record.

Father requested to be heard and said that when I.L. was little, he lived with her and mother for several years and he had

helped raise her. Father said he therefore did not understand why the court wanted him to take a parenting class.

The court explained, “I’m not going to allow you to have unmonitored visits or continue with them or have any overnights ever unless you take a parenting class because you need to have one. I don’t know that you know anything about raising a child. . . . [Y]ou need the parenting class and you need [PCIT]. If you don’t take them, then you won’t get the overnights.”

Father was granted unmonitored visitation with O.L. once a week for five to six hours. The Department was given discretion to increase the number of weekly visits. The court ordered “[n]o overnight visits for father without a court order.”

This appeal followed.

DISCUSSION

A juvenile court has broad discretion to fashion an appropriate disposition order that is in the best interests of the dependent child. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 454; see also Welf. & Inst. Code, § 362, subd. (a) [“the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child, including medical treatment, subject to further order of the court”].) In reviewing an order for abuse of discretion, we “ ‘ “must consider all the evidence, draw all reasonable inferences, and resolve all evidentiary conflicts, in a light most favorable to the [juvenile] court’s ruling. [Citation.] The precise test is whether any rational trier of fact could conclude that the [juvenile] court order advanced the best interests of the child.” ’ [Citation.] ‘The [juvenile] court is accorded wide discretion and its determination will not be disturbed on appeal absent “a manifest showing of abuse.” ’ ” (*In re Natalie A.* (2015) 243 Cal.App.4th 178, 186-187.)

Father contends the juvenile court acted arbitrarily in ordering him to take both a parenting class and to participate in PCIT when even the Department only recommended one or the other. Father also argues the court abused its discretion in requiring him to return to court and prove completion of the parenting class and PCIT before being allowed unmonitored overnight visits with O.L. We are not persuaded.

The court explained it did not know whether father knew anything about raising a child. Indeed, there is no evidence that he does. He has had positive visits with O.L., but that is not the same as being a custodial parent. Father has no children of his own and did not want his son to live with him, explaining he did not have room in his home. If he does not have room in his home, how can the child have overnight visits? More to the point, father has not demonstrated a commitment to raising this boy, who is placed with maternal grandparents. Father lived six years with the boy's half sister, I.L., who thinks he is her father, but he wants to have nothing to do with her. His unwillingness to take parenting classes raises red flags about his attitude toward parenting. We thoroughly understand the reasons behind the disposition orders and find they were well within the court's discretion.

DISPOSITION

The juvenile court's August 21, 2018 disposition order is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

WILEY, J.